

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN THE MATTER OF:)	CASE NO. 15-52933
)	CHAPTER 7
JAMES R. BURNS)	JUDGE ALAN M. KOSCHIK
)	
)	
Debtor)	

**TRUSTEE’S OBJECTION TO PROPERTY
CLAIMED AS EXEMPT**

Now comes Kathryn A. Belfance, the duly appointed Trustee of James R. Burns, by and through counsel and pursuant to 11 U.S.C. Section 522(b), and Rule 4003 of the Federal Rules of Bankruptcy Procedure, objects to the Debtor, James R. Burns’ (herein “Debtor”), claimed exemption of \$132,900.00 in the real estate known for mailing purposes as 2159 Meloy Road, Kent, OH 44240. In support of this objection, the Trustee states as follows:

MEMORANDUM IN SUPPORT

1. Under Bankruptcy Rule 4003, the Trustee or any creditor may file objections to the list of property claimed as exempt within 30 days after the conclusion of the meeting of creditors held pursuant to Rule 2003. The Trustee has not concluded the §341 hearing and thus, said objection is filed in accordance with Rule 4003.
2. The Trustee objects to the Debtor’s claimed exemption in the above property known as 2159 Meloy Road, Kent, OH 44240 (the “Real Estate”) as the Debtor did not reside at the Real Estate as of the date of filing.

3. The Trustee asserts that the Debtor's interest in the Real Estate cannot be exempted pursuant to the particular exemption statute cited by Debtor – O.R.C. §2329.66(A)(1).

O.R.C. §2329.66(A) states in part that:

[e]very person who is domiciled in this state may hold property exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, as follows[] . . . the person's interest . . . in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.

The Debtor did not reside at the Real Estate at the date of filing and is therefore not able to claim an exemption pursuant to O.R.C. §2329.66(A)(1).

WHEREFORE, the Trustee prays that an order be entered denying the Debtor's exemption as claimed; for a hearing on said objection; and for such other and further relief as the Court deems proper and necessary.

Respectfully submitted,

/s/ KATHRYN A. BELFANCE
KATHRYN A. BELFANCE (0018035)
50 S. Main Street, 10th Floor
Akron, Ohio 44308
(330) 434-3000, telephone
(330) 434-9220, fax
kb@rlbllp.com
Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of August 2016, a true and correct copy of the foregoing Objection to Property Claimed as Exempt was served as follows:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Office of the U.S. Trustee
Edmund Lee Wagoner Jr., at elwagoner@yahoo.com
Edward A. Bailey, at bknotice@reimerlaw.com
Kerri N. Bruckner, at NOHBK@lsrlaw.com
Frank Cimino, at officef3@sbcglobal.net
Robert A. Incorvati, at Robert@IncorvatiLaw.com
Joseph E. Oliver, at jeoco2@aol.com
Kathryn A. Belfance, Trustee, at kb@rlblp.com

And by regular U.S. mail, postage prepaid, on:

James Ronald Burns, Debtor, 1573 Williamantic Drive, Virginia Beach, VA 23456

/s/ KATHRYN A. BELFANCE
KATHRYN A. BELFANCE (0018035)
50 S. Main Street, 10th Floor
Akron, Ohio 44308
(330) 434-3000, telephone
(330) 434-9220, fax
kb@rlblp.com
Chapter 7 Trustee